

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 14-28 remain pending in this application.

Applicant wishes to thank the Examiner for the careful consideration given to the claims.

Rejection of claims 14-18 and 21-28 based on Pasch and Neuss

Claims 14-18 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0662901 (“Pasch”) in view of U.S. Patent Application Publication 2001/0024047 (“Neuss”). This rejection is traversed for at least the following reasons.

Claim 14 (as amended) recites, among other things, a cross member comprising a basic body and at least one air duct. The basic body is adapted to be transversely mounted between respective sides of the vehicle and comprises a metal frame member that has at least a partially closed profile cross-section defining a hollow space axially extending along the frame member. The basic body comprises at least two generally straight subsections which are connected via a third subsection of said frame member, wherein the at least two generally straight subsections and the third subsection each has the partially closed profile cross-section. The paths of the at least two generally straight subsections with the partially closed profile cross-sections run in a same axial direction, wherein the third subsection with the partially closed profile cross-section runs in a curved path that at least partially runs in a direction different from the axial direction of the at least two generally straight subsections such that the third subsection forms a widened area for at least partially encircling the HVAC unit. The at least one air duct extends within said hollow space in at least one of the two generally straight subsections. The at least one air duct is positioned for connection to the air outlet of the HVAC unit. Claim 28 (as amended) recites similar and/or analogous features. Pasch, Neuss, or any combination thereof does not teach or suggest this combination of features.

In the invention of claims 14 and 28, the partially closed profile cross-sections of the two generally straight subsections and the third subsection are separate requirements from the paths of the two generally straight subsections and the third subsection. In other words, each subsection has a partially closed profile cross-section and runs in a specified path, i.e., the two

generally straight subsections run in the same axial direction while the third subsection runs in a curved path that at least partially runs in a direction different from the axial direction.

In contrast, Pasch merely teaches a cross-bearer 1 with an L-shaped middle part 3 and two side parts 4 that run only in a straight path. (Column 2, lines 34-46 and Fig. 1 of Pasch.) There is nothing in Pasch to teach or suggest that the middle part 3 runs in a curved path. Neuss does not cure this deficiency because Neuss merely teaches that the basic body 18 changes in cross-section at a middle portion. (Paragraph 0026 and a comparison between Figs. 2 and 4 of Neuss) There is nothing to teach or suggest that any portion of the basic body 18 of Neuss runs in a curved path, but runs only in a straight path. (Fig. 1 of Neuss.) Therefore, no combination of Pasch and Neuss teaches or suggests that the paths of the at least two generally straight subsections with the partially closed profile cross-sections run in a same axial direction and that the third subsection with the partially closed profile cross-section runs in a curved path that at least partially runs in a direction different from the axial direction of the at least two generally straight subsections such that the third subsection forms a widened area for at least partially encircling the HVAC unit. Accordingly, claim 14 and 28 are not rendered unpatentable over the prior art.

Claims 15-18 and 21-27 depend from and contain all the features of claim 14, and are allowable therewith for at least the same reasons as claim 14, without regard to the further patentable features contained therein.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Rejection of claims 19-20 based on Pasch, Neuss, and Mochizuki

Claims 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pasch and Neuss, and further in view of U.S. Patent 5,709,607 (“Heck”). For at least the following reasons, this rejection is traversed.

Claims 19-20 depend from and contain all the features of claim 14. As previously mentioned, no combination of Pasch and Neuss teaches or suggests a third subsection running in a curved path and with a partially closed profile cross-section. Heck does not cure this deficiency. For example, Heck merely teaches the use of two channels 42 that run from the air blower system 16 of Heck (Fig. 1 of Heck), and not a subsection with a partially closed profile cross-section that runs in a curved path such that the third subsection forms a widened

area for at least partially encircling the HVAC unit. Accordingly, claim 14 and its dependent claims 19-20 are not rendered unpatentable over any combination of Pasch, Neuss, and Heck.

In addition, the combination of Pasch, Neuss, and Heck does not teach or suggest all the features of claims 19-20. Claim 19 (as amended) requires that "the metal frame member of the basic body is at least partially formed from two metal ducts arranged parallel to each other, and wherein each of the two metal ducts permits air flow therethrough." The PTO asserts that Heck teaches ducts in the form of unnumbered hollow frame elements on either side of the channels 42. (Paragraph 17 of the Office Action.) However, these frame elements do not permit air to flow therethrough because they are surround on all sides by walls. Thus, Heck does not teach or suggest the two metal ducts of claim 19. Because Pasch and Neuss do not teach or suggest two metal ducts arranged parallel to each other either (as correctly pointed out in paragraph 17 of the Office Action), no combination of Pasch, Neuss, and Heck teaches or discloses all the features of claim 19 and its dependent claim 20, regardless of the appropriateness of the proposed combination.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By P.D.S.

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